

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

COUNTY OF HARRIS, TEXAS,

*Plaintiff,*

v.

ELI LILLY AND COMPANY, *et al.*,

*Defendants.*

Case No. 4:19-cv-04994

**AMENDED JOINT DISCOVERY/CASE MANAGEMENT PLAN**

Pursuant to the Court's Order, dated November 4, 2021 (Dkt. 168), the parties hereby submit the following proposed amendment to the original Joint Discovery/Case Management Plan (Dkt. 94) entered April 23, 2021 in this case.

**1. The following cases related to this one are pending in state or federal court.**

Seven other cases involve certain parties of common issues. In each, the plaintiffs generally allege that the Insulin Manufacturer defendants (Novo Nordisk Inc., Sanofi-Aventis U.S., and Eli Lilly and Company), and certain party or non-party PBMs (entities associated with Express Scripts, Optum Rx, and CVS Caremark), engaged in certain conduct to raise insulin prices:

<b>Case</b>	<b>Plaintiff(s)</b>	<b>Defendants</b>
<b><i>In re: Direct Purchaser Insulin Litigation, 3:20-cv-3426-ZNQ-LHG (D.N.J.)</i></b>	Assignee of a Drug Wholesaler and a Drug Wholesaler	Insulin Manufacturers and PBMs
<b><i>The State of Mississippi, ex rel. Lynn Fitch, Attorney General v. Eli Lilly and Company, et al., 3:21-cv-00674-KHJ-MTP (S.D. Miss.)</i></b>	State of Mississippi	Insulin Manufacturers and PBMs

Case	Plaintiff(s)	Defendants
<i>City of Miami, Florida v. Eli Lilly and Company, et al.</i> , 1:21-cv-22636-RNS (S.D. Fla.)	City of Miami	Insulin Manufacturers and PBMs
<i>In re: Insulin Pricing Litigation</i> , 2:17-cv-00699-BRM-ESK (D.N.J.)	Consumer Plaintiffs	Insulin Manufacturers
<i>MSP Recovery Claims, Series, LLC, et al. v. Sanofi Aventis U.S., et al.</i> , 2:18-cv-02211-BRM-CLW (D.N.J.)	Assignees of Third-Party Payors	Insulin Manufacturers
<i>Minnesota v. Sanofi-Aventis U.S. LLC, et al.</i> , 2:18-cv-14999-BRM-AME (D.N.J.)	State of Minnesota	Insulin Manufacturers
<i>Commonwealth of Kentucky v. Novo Nordisk, et al.</i> , No. 19-CI-473 (Ky. Cir. Ct.)	State of Kentucky	Insulin Manufacturers

## 2. Discovery Plan

### a. Timetable

The parties agree that fact discovery should be completed by December 16, 2022, and that expert discovery should be completed by March 27, 2023, as set forth in the Amended Rule 16 Scheduling Order submitted to the Court on November 19, 2021. The parties also have agreed that all parties must substantially complete the production of documents in response to any pending discovery requests by June 17, 2022. In addition, the parties agree that they will enter into a mutually-agreeable deposition protocol, which will include, among other things, any provisions regarding the coordination of this litigation with *In re: Direct Purchaser Insulin Litigation*, 3:20-cv-3426-ZNQ-LHG (D.N.J.), *The State of Mississippi, ex rel. Lynn Fitch, Attorney General v. Eli Lilly and Company, et al.*, 3:21-cv-00674-KHJ-MTP (S.D. Miss.), and *City of Miami, Florida v. Eli Lilly and Company, et al.*, 1:21-cv-22636-RNS (S.D. Fla.) to which the parties are able to agree. The parties note that it may be necessary to seek a further revision of the Scheduling Order in the future in order to enable such coordination with the aforementioned matters.

**b. By when the plaintiff anticipates taking oral depositions.**

Plaintiff anticipates concluding oral depositions of fact witnesses by December 16, 2022.

**c. By when the defendants anticipate taking oral depositions.**

Defendants anticipate concluding oral depositions of fact witnesses by December 16, 2022.

**d. Specify the date experts for plaintiff (or party with the burden of proof on an issue) will be designated and their reports provided to opposing party.**

January 16, 2023.

**e. Specify the date experts for defendants will be designated and their reports provided to opposing party.**

February 27, 2023.

**f. List expert depositions the plaintiff (or party with the burden of proof on an issue) anticipates taking and their anticipated complete date. See Rule 26(a)(2)(B) (expert report).**

Plaintiff anticipates deposing any experts named by the Defendants by March 27, 2023.

**g. List expert depositions the defendant (or opposing party) anticipates taking and their anticipated complete date. See Rule 26(a)(2)(B) (expert report).**

Defendants anticipate deposing any experts named by the Plaintiffs by March 27, 2023.

**3. State the date the planned discovery can reasonably be completed.**

All fact discovery: December 16, 2022. All expert discovery: March 27, 2023.

**4. List the names, bar numbers, addresses, email addresses, and telephone numbers of all counsel.**

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**AGREED:**

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